

REMARKS

Claims 1-33 are pending in this application. By this Amendment, claims 1, 6-8, 10-14, 17, 20-21, 23, 30 and 31 are amended for clarity. Various amendments are made to the claims for clarity and are unrelated to issues of patentability.

Entry of the amendments is proper under 37 C.F.R. §1.116 because the amendments: (1) place the application in condition for allowance for the reasons set forth below; (2) do not raise any new issues requiring further search and/or consideration; and/or (3) place the application in better form for appeal should an appeal be necessary. More specifically, the above amendments are merely for clarity and/or form. These amendments do not require any further search and/or consideration by the Examiner. Entry is therefore proper under 37 C.F.R. §1.116.

Applicant gratefully acknowledges the Office Action's indication that claims 6-12 and 14-20 contain allowable subject matter.

The Office Action rejects claims 1-2, 13, 30, 21 and 23 under 35 U.S.C. §102(b) over U.S. Patent 5,550,914 to Clarke et al. (hereafter Clarke). The Office Action also rejects claims 3-5, 22, 24-28, 29 and 31-33 under 35 U.S.C. §103(a) over Clarke in view of Q.704 recommendation of Telecommunication Standardization sector ITU-T of the International Telecommunication Union (hereafter the ITU-T). The rejections are respectfully traversed.

The present specification relates to sending and receiving of messages between an origin and a destination to more effectively handle congestion occurring at the destination. When the destination detects congestion (at specific MTP user parts thereof), the destination informs this situation to the origin (via a UPC message), and the origin may then generate, based upon the

UPC message, a parameter (a MTP_STATUS primitive) that is used by the origin to minimize the signal traffic directed to that congested destination. Independent claim 1 relates to a method of processing congestion conditions using a UPC message and a MTP_STATUS primitive, as will be discussed below in more detail.

Independent claim 1 recites defining a user part congested (UPC) message, generating the UPC message in the destination signaling point, and generating the MTP_STATUS primitive. Independent claim 1 also recites transmitting the generated UPC message to an originating signaling point of the signaling message when a MTP of the destination signaling point recognizes congestion conditions of the MTP user part of the destination signaling point.

Applicant previously asserted that Clarke does not teach or suggest generating the UPC message in the destination signaling point. See pages 19-21 of the Response filed April 7, 2005. In response, the Office Action alleges that Clarke's Figs. 5-7 and col. 9, lines 37-48 teaches the missing limitations argued in the Response filed April 7, 2005. However, applicant believes that the features discussed on page 5 of the Office Action do not correspond to the claimed features and therefore applicant's previous arguments are proper.

More particularly, independent claim 1 recites generating the UPC message in the destination signaling point. Furthermore, independent claim 1 also recites defining the UPC message that indicates when congestion has occurred in an MTP user part of a destination signaling point. Furthermore, independent claim 1 also relates to when a MTP of the destination signaling point recognizes congestion conditions of the MTP user part of the destination signaling point. Therefore, claim 1 is clear regarding that a destination signaling point includes

an MTP user part and various features that occur based on the claimed destination signaling point.

The Office Action's citation to Clarke's Fig. 5 relates to a message interceptor such as one of message interceptors 52 of Fig. 4. The message interceptor 52 in Fig. 5 is not a destination signaling point, although it appears that the Office Action has asserted that the message interceptor corresponds to the claimed destination signaling point "when congestion has occurred in a MTP user part of a destination signaling point." Furthermore, the message interceptor in Fig. 5 does not relate to "when a MTP of the destination signaling point recognizes congestion conditions of the MTP user part of the destination signaling point." That is, Clarke's message interceptor does not recognize congestion conditions of a MTP user part of the message interceptor. For at least these reasons, applicant respectfully disagrees with the comments made on page 5 of the Office Action. Clarke's message interceptor does not correspond to a destination signaling point and thus does not include the claimed features relating to a destination signaling point and/or the UPC message.

More specifically, Clarke's message interceptor 52 is a hardware element interposed in a link that connects a SCP 50 with a STP 48, 49. See Figs. 4-5. Message data (MSU) is transferred across the link by a transfer circuit 70, 80 of the message interceptor 52. During such a transfer, the nature of the data (MSU) is checked by a selective action circuit 72 (within the message interceptor 52) and compared with pre-stored selection criteria. If a selection criteria is satisfied, the selective action control circuit 72 suppresses or modifies the message data (MSU) to protect the SCP 50 from overload or to relieve the SCP 50 of certain processing tasks, respectively.

In Clarke, the contents of the actual data itself (MSUs) are checked to see if they should be suppressed or modified to thus protect or relieve the SCP 50. In contrast, in the present specification, a particular messaging procedure is used when congestion is detected and the parameters being defined and used (UPC message, MTP_STATUS primitive, etc.) are not part of the actual data content, as would be understood by those skilled in the art. If the message interceptor 52 could possibly be considered as a “destination signaling point,” the various features of independent claim 1 are still not performed by Clarke’s interceptor 52, which only suppresses or modifies the MDUs according to their selection criteria.

The Office Action refers to an “indication be returned” (response) disclosed in Clarke’s col. 9, lines 37-48. However, such “response” is merely used to report that the data (MSU) had been suppress or modified. This “response” simply notifies the status of the MSUs, but does not inform the origin that congestion exists at the destination.

In summary, Clarke does not teach or suggest at least generating the UPC message in the destination signaling point, and transmitting the generated UPC message to an originating signaling point of the signaling message when a MTP of the destination signaling point recognizes congestion conditions of the MTP user part of the destination signaling point. ITU-T does not suggest the missing features. Accordingly, independent claim 1 defines patentable subject matter.

Independent claim 13 also defines patentable subject matter for at least similar reasons. That is, independent claim 13 recites that (a) comprises transmitting a user part congested (UPC)

message from the destination signaling point to the origination signaling point to inform the origination signaling point the congestion has occurred in the destination signaling point. For at least similar reasons as set forth above, Clarke and ITU-T do not teach or suggest all these features of independent claim 13. That is, Clarke does not suggest the various features relating to the UPC message and/or destination signaling point. Thus, independent claim 13 defines patentable subject matter for at least this reason.

Furthermore, independent claim 24 (and similarly independent claims 29 and 30) recites that the signaling message is generated in and transferred from the destination signaling point to the origination signaling point to inform the origination signaling point congestion is occurring in the destination signaling point. For at least similar reasons as set forth above, Clarke and ITU-T do not teach or suggest these features as they do not teach or suggest the claimed features. Thus, each of independent claims 24, 29 and 30 defines patentable subject matter.

Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-33 are earnestly solicited. If the Examiner believes that any additional changes would place the application in

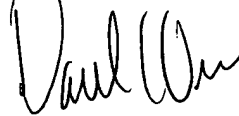
Serial No. 09/805,897
Reply to Office Action of June 21, 2005

Docket No. P-0191

better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David C. Oren**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Date: September 21, 2005

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